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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,557	11/28/2000	Anthony Monteiro	2386.1045-005	9459

21005 7590 12/03/2004

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EXAMINER

EL HADY, NABIL M

ART UNIT PAPER NUMBER

2154

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/724,557

Applicant(s)

MONTEIRO, ANTHONY

Examiner

Nabil M El-Hady

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. Claims 1-9 are pending in this application. Claims 5-8 are withdrawn. Claims 1-4 and 9 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Barker et al. (6,363,421) (hereinafter Barker).

3. As per claim 1, Barker discloses the invention as claimed including in a telecommunications network of network elements and management systems for managing the network elements, a managed network element comprising: a CORBA SERVER (e.g. col. 8, lines 59-64); plural CORBA-based managed objects accessible by the CORBA-based server (e.g. col. 4, lines 27-36); and a CORBA-based applications programming interface coupled to the CORBA-based server (e.g. col. 7, lines 46-56).

4. Examiner gives no weight to the identification of a network element as a managing element or a managed element in a management system specifically when this is cited in the claim preamble and the limitations cited in the claim are not affected by the preamble. A managing element and a managed element in a management system both necessitate having components and interfaces to talk to each other. Specifically when each includes managed objects that are written as COBRA objects and when all the capabilities of the network element are available through a COBRA interface.

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5. As per claim 2, Barker discloses the CORBA-based API is coupled to an external operations support system for managing the plural CORBA-based managed objects therefrom (e.g. col. 7, lines 39-63).

6. As per claim 3, Barker discloses a management protocol agent as a CORBA-based client of the CORBA-based server, the management protocol agent coupled to an external element management system for managing the plural CORBA-based managed objects therefrom (e.g. col. 4, lines 37-55).

7. As per claim 4, Barker discloses the management protocol agent is an SNMP agent (e.g. col. 5 and 6, cols. 65-67 and 1-8 respectively).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Liem et al. (5,960,342) (hereinafter Liem).

9. As per claim 9, the claim is rejected for the same reasons as claim 1 above. In addition, Barker discloses an embedded operations channel agent as a CORBA-based client of the CORBA-based server and wherein the plural CORBA-based client of the CORBA-based server (e.g. col. 8, lines 54-67). However, Baker does not disclose GR-303 managed objects in the plural CORBA-based managed objects, the embedded operations channel agent. Liem, on the other hand, disclose GR-303 managed objects in the plural CORBA-based managed objects, the embedded operations channel agent coupled to an external local digital switch for managing the GR-303 managed objects (e.g. col. 2, lines 41-57). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to combine the teachings of Barker and Liem. In order to enhance the management of the GR-303 interface.

10. Applicant's remarks, filed 8/13/2004 have been fully considered but they are not persuasive.

11. In the remarks, applicant argued that the network element of Barker has no COBRA-based server. Examiner respectfully traverses applicants' remarks.

12. First, as stated above, examiner gives no weight to the identification of a network element as a managing element or a managed element in a management system specifically when this is cited in the claim preamble and the limitations cited in the claim are not affected by the preamble. A CORBA-based server, plural CORBA-based managed objects accessible by the CORBA-based server; and a CORBA-based applications programming interface coupled to the CORBA-based server, may represent components of an element in a managing system, whether this element is managing or managed one. Second a managing element and a managed element in a management system both require having components and interfaces to talk to each others, specifically when each includes managed objects that are written as COBRA objects and when all the capabilities of the element are available through a COBRA interface. Third, CPA 42 of Fig. 28 of the instant application shows the management plane architecture for the system and does not necessarily represent a managed element. Forth, amended claim 9 represent exactly previous claim 9, which is rejected before, but in an independent form.

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13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

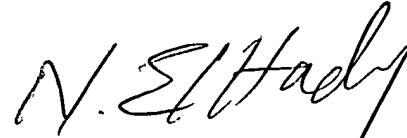
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 27, 2004

A handwritten signature in black ink, reading "N. El-Hady". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Nabil El-Hady, Ph.D, M.B.A.  
Primary Patent Examiner  
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